

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIE DIVISION

MANUEL BAEZ,)	
)	
Plaintiff)	1:20-CV-00148-RAL
)	
vs.)	RICHARD A. LANZILLO
)	UNITED STATES MAGISTRATE JUDGE
C/O FROELICH, C/O ROSENBERG, SGT.)	
WATTSON, LT. DUBE, LT. BEDNORO,)	
MS. LUCAS, PSYCHIATRIST; PATRICIA)	ORDER ON DEFENDANTS' MOTION TO
THOMPSON, MAJOR OF)	DISMISS PLAINTIFF'S AMENDED
MANAGEMENT; EARL JONES, DEPUTY;)	COMPLAINT
BRYAN E. FLINCHBAUGH, DEPUTY; M.)	
CLARK, FACILITY MANAGER; AND)	ECF NO. 90
DORINA VARNER, GRIEVANCE CHIEF,)	
)	
Defendants)	

ORDER

As explained in the Court's Memorandum Opinion filed this day, the Defendants' Motion to Dismiss is GRANTED in part and DENIED in part. Specifically, the motion is

1. DENIED as to Plaintiff's Eighth Amendment deliberate indifference to serious mental health needs claim against Defendant Froehlich based on his alleged providing of razors to Plaintiff and his allegedly encouraging the Plaintiff to commit suicide;
2. DENIED as to the Eighth Amendment excessive force claim against Defendant Bednoro relating to the use of pepper spray; and
3. GRANTED as to all other claims asserted in Plaintiff's Amended Complaint, which claims are hereby DISMISSED with prejudice.

An order setting pretrial deadlines concerning the surviving claims against Defendants Froehlich and Bednoro will issue separately.

Entered and Ordered this 8th day of February, 2022.

BY THE COURT:



RICHARD A. LANZILLO
UNITED STATES MAGISTRATE JUDGE